

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

ROBERT H. TUCK
B.O.P. # 94936-020

v.

CHARLES MAIORANA ET AL

*** CIVIL ACTION NO. 2:15-cv-2556**

*** JUDGE MINALDI**

*** MAGISTRATE JUDGE KAY**

JUDGMENT

For the reasons stated in the Report and Recommendation (Rec. Doc. 5) of the Magistrate Judge previously filed herein, after an independent review of the record, a *de novo* determination of the issues, consideration of Tuck's Objections (Rec. Doc. 7), and having determined that the findings are correct under applicable law,

IT IS ORDERED that Tuck's civil rights complaint is **DENIED** and **DISMISSED WITH PREJUDICE** as frivolous and for failing to state a claim upon which relief can be granted in accordance with 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

IT IS FURTHER ORDERED that Tuck's FTCA claim is **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction as the United States is not a defendant in this matter.

IT IS FURTHER ORDERED that the portion of this complaint that constitutes a petition for writ of *habeas corpus* is **DENIED** and **DISMISSED WITHOUT PREJUDICE** due to Tuck's ability to pursue such claims by filing the appropriate action.

Lake Charles, Louisiana, this 18 day of June, 2016.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE